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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,) No. 05-674 PJH
14)
15) [PROPOSED] ORDER AND STIPULATION
16) EXCLUDING TIME FROM OCTOBER 28,
17) 2005 TO DECEMBER 7, 2005 FROM THE
) SPEEDY TRIAL ACT CALCULATION
) (18 U.S.C. § 3161(h)(8)(A))
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19 The parties appeared before the Honorable James Larson on October 28, 2005 and before the
20 Honorable Phyllis J. Hamilton on November 2, 2005. With the agreement of the parties at those
21 two hearings, and with the consent of the Defendant, the Court enters this order documenting the
22 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from October 28, 2005
23 to December 7, 2005, and scheduling a further status hearing on December 7, 2005 at 1:30 p.m.

24 The parties agreed, and the Court hereby holds, as follows:

25 1. The Defendant agreed to an exclusion of time under the Speedy Trial Act. The
26 government has not yet fully provided discovery and is continuing its investigation, as discussed
27 at the sidebar during the November 2, 2005 hearing. In addition, counsel for the Defendant will
28 be out of town for one week in November. Failure to grant the requested continuance would

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1 unreasonably deny both government and defense counsel reasonable time necessary for effective
2 preparation, taking into account the exercise of due diligence, and would deny the Defendant
3 continuity of counsel.

4 2. Given these circumstances, the Court finds that the ends of justice served by excluding
5 the period from October 28, 2005 to December 7, 2005, outweigh the best interest of the public
6 and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

7 3. Accordingly, and with the consent of the defendant, the Court orders that the period
8 from October 28, 2005 to December 7, 2005, be excluded from Speedy Trial Act calculations
9 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

10 4. The Court hereby schedules a further status date of December 7, 2005, at 1:30 p.m.,
11 before the Honorable Phyllis J. Hamilton.

12 IT IS SO STIPULATED.

13 DATED: _____ 11/2/05 _____

/S/

14 TRACIE L. BROWN
Assistant United States Attorney

15 DATED: _____

/S/

16 RONALD C. TYLER
Attorney for TARNISHIA PAUL

17 IT IS SO ORDERED.

18 DATED: 11/8/05

19 THE HON. PHYLLIS J. HAMILTON
United States District Judge



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM OCTOBER 28, 2005 TO DECEMBER 7, 2005 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery
RONALD TYLER
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 7, 2005

/S/

Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office